

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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LOG OF MEETING

SUBJECT: CHILDREN'S SLEEPWEAR FLAMMABILITY STANDARDS
DATE OF MEETING: June 3, 1999
PLACE OF MEETING: OFFICE OF U.S. SENATOR JOHN BREAUX,
WASHINGTON, D.C.
LOG ENTRY SOURCE: PAMELA L. WELLER
DATE OF ENTRY: June 30, 1999
COMMISSION ATTENDEES:
PAMELA L. WELLER, COUNSELOR TO COMMISSIONER MOORE
MARGARET NEILY, PROJECT MANAGER, ENGINEERING
RONALD MEDFORD, AED, HAZARD REDUCTION

NON-COMMISSION ATTENDEES:
FRED HATFIELD, CHIEF OF STAFF OF SENATOR BREAUX
RONALD G. TOMPKINS, M.D., MASSACHUSETTS GENERAL HOSPITAL
GLENN D. WARDEN, M.D., SHRINERS BURN HOSPITAL, CINCINNATI
DAVID N. HERNDON, M.D., SHRINERS BURN HOSPITAL, GALVESTON
JEANNE M. CAMPBELL, LOBBYIST REPRESENTING THE SHRINERS,
CAMPBELL-CRANE

SUMMARY OF MEETING:

Dr. Herndon said he knew the CPSC was a data-driven agency. He said he has 17 cases of children who have come into contact with flames while wearing sleepwear (in some cases the bed had caught on fire first). He stated the assumption that children under 9 months were not likely to come into contact with a flame was not true.

Dr. Tompkins said there was a 55% increase in admissions to his hospital involving clothing ignitions and ignition of highly flammable material with clothing ignition, comparing 1994-96 to the period 1997 to the present. He felt this increase had to be due to the change in the sleepwear standards.

Dr. Warden referred to a 1971 report from HEW and said it laid out the basis for the original sleepwear standards and asked if the Commission had referred to it when it did the amendments in 1996.

Dr. Herndon indicated that to capture all the relevant burn cases, a prospective study of all burn centers would have to be done and they were so incensed by these burns that it compelled them to do the study.

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Mr. Medford gave the history of why the Commission revised the sleepwear standards.

Dr. Tompkins stated there were no studies showing that tight-fitting garments wouldn't burn as quickly as loose-fitting ones and that such a notion was preposterous. Ms. Neily stated that there were indeed such studies, including manikin studies and that the Commission had relied upon them in coming to this conclusion.

Dr. Warden stated that the Commission was ignoring burn cases that should be included. Mr. Medford and Ms. Neily explained the limited applicability of the sleepwear standard, that is was intended only to protect children against brief contact with a small ignition source, such as a match or lighter. Dr. Warden said this was not true and that it did not mirror real life fire scenarios. Ms. Neily said that those were the most common fire scenarios when the standards were promulgated which is why the test was devised to reflect those scenarios. She stated the test was not intended to produce garments which would protect a child from a larger fire, such as a bedding fire. The doctors refused to believe this was the intent of the standards.

Mr. Hatfield asked if industry was behind the change in the standards. Mr. Medford said no, that the Commission staff initiated it because we were unable to enforce against cotton underwear garments in the market place which were being used as sleepwear and staff wanted to know if these garments presented a risk to children.

Mr. Hatfield stated that if the doctors were right about the 55% increase in burn injuries at Dr. Tompkins' hospital, this was serious. He asked if Dr. Tompkins was able to show which cases involved sleepwear and which involved other clothing. Tompkins said he would try to break down those figures by nightwear and other garments. Hatfield also asked CPSC staff to see if the agency had used the HEW report referred to by Dr. Warden in its 1996 decision to amend the standards.

Mr. Hatfield asked what the time frame was for action on the proposal to revoke the amendments. Mr. Medford said a briefing of the Commission was scheduled on June 9th and a decision meeting was scheduled on June 16th, as the Commission was required by law to issue its decision by July 1st. Mr. Hatfield asked if the CPSC could ask the relevant Congressional committees for a postponement. Ms. Weller stated that the date was spelled out by statute. Mr. Hatfield said CPSC could still ask for a postponement.

The meeting ended. The following week, CPSC staff sent a memorandum addressing certain of the issues raised at the meeting to Mr. Hatfield (copy attached).

